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DATE FILED: 7-2-08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THOMAS HOOKER,

Plaintiff,

- against -

THE CITY OF NEW YORK,

Defendants.
-----X

:
: 08 Civ. 1691 (VM)

: **CONDITIONAL**

: **ORDER OF DISCONTINUANCE**

VICTOR MARRERO, United States District Judge.

Counsel for defendants, on behalf of the parties, having notified the Court, by letter dated July 2, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

The conference scheduled for July 3, 2008 is canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
2 July 2008



VICTOR MARRERO
U.S.D.J.



THE CITY OF NEW YORK
LAW DEPARTMENT
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NEW YORK, NY 10007

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July 2, 2008

BY FAX at (212) 805-6382
Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: Hooker v. City of New York, et al., 08 CV 1691 (VM)

Dear Judge Marrero:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendants City of New York and Police Officer Alexander Nivar in the above-referenced matter. I am writing on behalf of the parties to inform the Court that this matter has settled. The executed Stipulation and Order of Settlement and Discontinuance will be submitted shortly. Accordingly, the parties request that the initial conference scheduled for tomorrow, July 3, 2008 at 9:15 a.m. be cancelled.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradford C. Patrick".

Bradford C. Patrick
Assistant Corporation Counsel
Special Federal Litigation Division

CC: BY FAX AT (212) 571-9149
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